



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

[REDACTED]

PRELIMINARY RECITALS

Pursuant to a petition filed July 28, 2015, under Wis. Admin. Code, §HA 3.03(4), to review a decision by the Portage County Dept. of Human Services to discontinue child care assistance, a hearing was held on November 12, 2015, by telephone. The hearing was a rehearing granted by the Division of Hearings and Appeals on October 21, 2015.

The issue for determination is whether the county correctly closed child care after concluding that the father of petitioner's youngest child lived in the home.

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Children and Families
201 East Washington Avenue, Room G200
Madison, Wisconsin 53703

By: [REDACTED]
Portage County Dept. of Human Services
817 Whiting Avenue
[REDACTED]-5292

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Portage County.
2. In 2015 petitioner received child care as part of a four-person household that included her, her two teenage children, and her youngest son by a different father. T.L. is the youngest son's father, and he was listed as an absent parent for child care purposes. Petitioner also received housing assistance for the four-person household.

- [REDACTED]
3. After an investigation the county concluded that T.L. lived in the home. The county requested verification of his income. Petitioner did not provide the verification.
 4. By a notice dated July 17, 2015, the county informed petitioner that child care would end August 1, 2015 because she did not verify T.L.'s income. Benefits were continued pending the decision, at least until the petition was dismissed before petitioner requested a rehearing.
 5. As of November 1, 2015 petitioner reported that she and T.L. live together.

DISCUSSION

A parent is eligible for child care services if she needs the care to attend Wisconsin Works (W-2) approved school, to work, or to participate in W-2 activities. Wis. Stat., §49.155(1m)(a); Wisconsin Shares Child Care Assistance Manual, Part 1.5.0. The agency must utilize gross income, and for an ongoing case, the income limit is 200% of the federal poverty limit. Wis. Stat., §49.155(1m)(c); Child Care Manual, Chapter 1, §§1.6.3 and 1.6.4. 200% of poverty for a five-person household is \$4,735. DECE Operations Memo no. 15-08, dated March 3, 2015.

An assistance group for child care must include parents and children if they live together. Manual, §1.4.1. Earned income of family members must be verified. Manual, §1.6.2.2. If a recipient refuses to produce verification eligibility does not exist. Manual, §1.6.9. Thus if T.L. lived in petitioner's household the county had to close child care because petitioner refused to verify his income.

In concurrent decision no. [REDACTED] I concluded that the evidence proving that T.L. lived in petitioner's household was insufficient to support the finding. That decision applies equally to this case, and thus I will not repeat the discussion.

I will order that the action to terminate petitioner's child care be reversed. The county shall issue appropriate supplemental assistance, if any is required due to the continued benefits order, at least through the date that petitioner acknowledges T.L. to be in the home.

CONCLUSIONS OF LAW

The county did not prove that T.L. lived with petitioner, and thus the termination for failing to verify T.L.'s financial information must be reversed.

THEREFORE, it is


ORDERED

That the matter be remanded to the county with instructions to re-open petitioner's child care case retroactive to August 1, 2015, and to issue appropriate supplemental assistance, if any is owed, through the date that petitioner's reported that she and her youngest son's father are living together. The county shall do so within 10 days of this decision.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and



why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

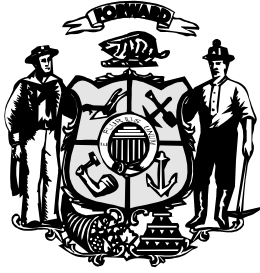
APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Children and Families, 201 East Washington Avenue, Room G200, Madison, Wisconsin 53703, **and** on those identified in this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 17th day of November, 2015

\sBrian C. Schneider
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

Brian Hayes, Administrator
Suite 201
5005 University Avenue
Madison, WI 53705-5400

Telephone: (608) 266-3096
FAX: (608) 264-9885
email: DHAmail@wisconsin.gov
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on November 17, 2015.

Portage County Department of Human Services
Child Care Benefits